



HOUSE BILL No. 5703

May 2, 2000, Introduced by Reps. Bogardus, Jannick, Howell, Hale and Callahan and referred to the Committee on Agriculture and Resource Management.

A bill to amend 1981 PA 93, entitled
"Michigan right to farm act,"
by amending sections 2 and 3a (MCL 286.472 and 286.473a), section
2 as amended and section 3a as added by 1995 PA 94.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Farm" means the land, plants, animals, buildings,
3 structures, including ponds used for agricultural or aquacultural
4 activities, machinery, equipment, and other appurtenances used in
5 the commercial production of farm products.

6 (b) "Farm operation" means the operation and management of a
7 farm or a condition or activity that occurs at any time as neces-
8 sary on a farm in connection with the commercial production,
9 harvesting, and storage of farm products, and includes, but is
10 not limited to:

- 1 (i) Marketing produce at roadside stands or farm markets.
- 2 (ii) The generation of noise, odors, dust, fumes, and other
3 associated conditions.
- 4 (iii) The operation of machinery and equipment necessary for
5 a farm including, but not limited to, irrigation and drainage
6 systems and pumps and on-farm grain dryers, and the movement of
7 vehicles, machinery, equipment, and farm products and associated
8 inputs necessary for farm operations on the roadway as authorized
9 by the Michigan vehicle code, ~~Act No. 300 of the Public Acts of~~
10 ~~1949, being sections 257.1 to 257.923 of the Michigan Compiled~~
11 ~~Laws~~ 1949 PA 300, MCL 257.1 TO 257.923.
- 12 (iv) Field preparation and ground and aerial seeding and
13 spraying.
- 14 (v) The application of chemical fertilizers or organic mate-
15 rials, conditioners, liming materials, or pesticides.
- 16 (vi) Use of alternative pest management techniques.
- 17 (vii) The fencing, feeding, watering, sheltering, transpor-
18 tation, treatment, use, handling and care of farm animals.
- 19 (viii) The management, storage, transport, utilization, and
20 application of farm by-products, including manure or agricultural
21 wastes.
- 22 (ix) The conversion from a farm operation activity to other
23 farm operation activities.
- 24 (x) The employment and use of labor.
- 25 (xi) IRRIGATION AND THE USE OF GROUNDWATER.
- 26 (c) "Farm product" means those plants and animals useful to
27 human beings produced by agriculture and includes, but is not

1 limited to, forages and sod crops, grains and feed crops, field
2 crops, dairy and dairy products, poultry and poultry products,
3 cervidae, livestock, including breeding and grazing, equine,
4 fish, and other aquacultural products, bees and bee products,
5 berries, herbs, fruits, vegetables, flowers, seeds, grasses,
6 nursery stock, trees and tree products, mushrooms, and other sim-
7 ilar products, or any other product which incorporates the use of
8 food, feed, fiber, or fur, as determined by the Michigan commis-
9 sion of agriculture.

10 (d) "Generally accepted agricultural and management
11 practices" means those practices as defined by the Michigan com-
12 mission of agriculture. The commission shall give due considera-
13 tion to available Michigan department of agriculture information
14 and written recommendations from the Michigan state university
15 college of agriculture and natural resources extension and the
16 agricultural experiment station in cooperation with the United
17 States department of agriculture natural resources conservation
18 service and the consolidated farm service agency, the Michigan
19 department of natural resources, and other professional and
20 industry organizations.

21 (e) "Person" means an individual, corporation, partnership,
22 association, or other legal entity.

23 Sec. 3a. (1) The Michigan commission of agriculture shall
24 request the director of the Michigan department of agriculture or
25 his or her designee to investigate all complaints involving a
26 farm or farm operation, including, but not limited to, complaints
27 involving the use of manure and other nutrients, agricultural

1 waste products, dust, noise, odor, fumes, air pollution, surface-
2 or ~~ground-water~~ GROUNDWATER pollution, IRRIGATION AND THE USE
3 OF GROUNDWATER, food and agricultural processing by-products,
4 care of farm animals and pest infestations.

5 (2) The Michigan commission of agriculture and the director
6 of the Michigan department of agriculture shall enter into a mem-
7 orandum of understanding with the Michigan natural resources com-
8 mission and the director of the Michigan department of natural
9 resources. The investigation and resolution of environmental
10 complaints shall be conducted in accordance with the memorandum
11 of understanding. The Michigan commission of agriculture and the
12 director of the Michigan department of agriculture shall develop
13 procedures for the investigation and resolution for other
14 farm-related complaints.

15 (3) If the director of the Michigan department of agricul-
16 ture or his or her designee finds upon investigation that the
17 person responsible for the farm or farm operation is using gener-
18 ally accepted agricultural and management practices, the director
19 of the Michigan department of agriculture or his or her designee
20 shall notify that person and the complainant of this finding in
21 writing. If the director of the Michigan department of agricul-
22 ture or his or her designee identifies the source or potential
23 sources of the problem caused by the use of other than generally
24 accepted agricultural and management practices, the director of
25 the Michigan department of agriculture or his or her designee
26 shall advise the person responsible for the farm or farm
27 operation that necessary changes should be made to resolve or

1 abate the problem and to conform with generally accepted
2 agricultural and management practices. The director of the
3 Michigan department of agriculture or his or her designee shall
4 determine if those changes are implemented and shall notify the
5 person responsible for the farm or farm operation and the com-
6 plainant of this determination in writing.

7 (4) A complainant who brings more than 3 unverified com-
8 plaints against the same farm or farm operation within 3 years
9 may be ordered, by the director, to pay to the Michigan depart-
10 ment of agriculture the full costs of investigation of any fourth
11 or subsequent unverified complaint against the same farm or farm
12 operation. As used in this subsection, "unverified complaint"
13 means a complaint in which the director of the department of
14 agriculture or his or her designee determines that the farm or
15 farm operation is using generally accepted agricultural and man-
16 agement practices.